



**MINUTES OF MEETING OF THE CITY  
COUNCIL OF THE CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, October 9, 2001, 8:00 p.m.**

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**MEETING**

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Henson.

**ROLL CALL**

Present: COUNCIL MEMBERS Jimenez, Hilson,  
Rodriguez, Ward, Dowling, Henson  
MAYOR Cooper  
Absent: None

**PRESENTATION:** Pride in Hayward Award

Mayor Cooper presented the Pride in Hayward Award to the following residents of the Santa Clara Neighborhood: Fidel and Apolonia Pineda; Alonzo Velasquez; Jose and Ana Gutierrez; David and Mary Arellano; and Earl and Marilyn Raymer.

**PUBLIC COMMENTS**

Priscilla Banks spoke in favor of Seaside Transport Company. She noted the various volunteer efforts made to assist its employees, cancer research and patients, as well as any non-profit organization seeking assistance. The Johnson family is consistent and committed.

Diana Johnson-Beggs provided a statement in support of Seaside and its community involvement. She reported that meetings had been conducted with the neighbors, and all efforts to move refrigerated trucking units away from the homes have been made.

Council Member Ward commented that he met with many of the residents and thanked Ms. Johnson-Beggs for her comments.

Audus "Butch" Watson from the Lions Club spoke on behalf of Seaside Trucking and its efforts towards non-profit organizations.

LaVon Neveau spoke on behalf of the San Felipe/Hayward Sister City Committee in favor of this transport company.

Council Member Jimenez also spoke favorably of the Johnson family, the owners of the transport company in question.

Jim Drake made comments regarding planning and the future energy center.

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Jason Moreno commented on loopholes in the City's rent stabilization ordinance.

## **CONSENT**

Items 1 and 2 were removed for further discussion.

### **1. Approval of Minutes of the City Council Meeting of October 2, 2001**

It was moved by Council Member Dowling, seconded by Council Member Hilson, and carried, with Council Member Henson abstaining, to approve the Minutes of the Meeting of the City Council of October 2, 2001.

### **2. Adoption of an Ordinance Governing the Establishment of Community Facilities Districts**

Staff report submitted by City Clerk Reyes, dated October 9, 2001, was filed.

Council Member Henson asked questions regarding the property secured for the district. He was told that the encumbrance is with the land itself.

Ed Bogue expressed his concerns on the ordinance related to the establishment of the district. He referred to the report as he asked questions related to the analysis, the initial costs, and other financial obligations by the City. To him, it seemed that the ordinance might imply a financial obligation to the City. He asked how costs would be covered.

City Manager Armas responded, noting that this ordinance is the enabling legislation, none of the initial costs become the City's. The consultant will provide information with financial justification to proceed with the district. The underlying land is the collateral, which is a requirement in order to retire the debt. There is underlying value in the debt, predicated on the public improvements and land values prior to the construction of the buildings.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Ordinance 01-13, "An Ordinance Adding Article 17 to Chapter 8 of the Hayward Municipal Code Relating to Adopting Local Goals and Policies for the Establishment of Community Facilities Districts"

### **3. Sale of Surplus Parcel Located at 27626 Fairview Avenue to the Adjoining Property Owner**

Staff report submitted by Deputy Director of Public Works Bauman, dated October 9, 2001, was filed.



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It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 01-144, "Resolution Authorizing Conveyance of Surplus Property Parcel 108 to the Adjoining Property Owner at 27640 Fairview Avenue"

4. Authorization for the City Manager to Execute Agreement Related to the SMART Corridors Project

Staff report submitted by Deputy Director of Public Works Bauman, dated October 9, 2001, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and unanimously carried to adopt the following:

Resolution 01-145, "Resolution Authorizing the City Manager to Execute the Memorandum of Understanding Among Participating Agencies for the I-880 SMART Corridors Project"

## HEARINGS

5. Appeal of Planning Commission's Denial of Modification of Use Permit 00-160-06 - Request to Amend the Conditions of Approval to Allow Vehicle Access from Smalley Avenue, Donald Boehm (Applicant/Owner) - The Property Is Located at 730 and 750 "A" Street, North Side, in the "CC-C" (Central City-Commercial) Subdistrict (*Continued from 10/2/01*)

Staff report submitted by Associate Planner Camire, dated October 9, 2001, was filed.

As there were no requests to speak, Mayor Cooper opened and closed the public hearing at 8:32 p.m.

Council Member Jimenez asked if his suggested recommendation of signage would be included. He would like this included in the motion for approval. It was noted that the staff recommendation provides the alternative that restricts truck entrance from Smalley and signage would not be needed.

Council Member Ward **moved** to accept the appeal and allow exiting of cars onto Smalley Avenue. He commented that the option, including the installation of the ballards, would clearly

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restrict trucks. He reiterated that there is no factual indication that the existing traffic would be compromised with additional cars.

Council Member Henson asked whether the Fire Chief would be comfortable with either of the options. He then seconded the motion.

Fire Chief Arfsten stated that turn-around space may not be sufficient and thus an exit onto Smalley is needed. He described the lock-box procedure used for emergency situations.

Mr. Boehme asked what the staff recommendation entailed. He offered thanks for Council approval and said he would meet with staff in regard to his questions.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried by the following roll call to adopt the following:

Resolution 01-146, "Resolution Approving Applicant's Appeal of the Planning Commission's Denial of Use Permit Application No. 01-160-06, Concerning a Request for Amendment of Use Permit No. 00-160-06"

AYES: Council Members Jimenez, Ward, Henson  
MAYOR Cooper

NOES: Council Members Hilson, Rodriquez, Dowling

ABSENT: None

ABSTAINED: None

## **LEGISLATIVE BUSINESS**

### **6. Authorization to Retain Consultants to Examine Feasibility of Forming a Community Facilities District**

Staff report submitted by Finance and Internal Services Director Carter, dated October 9, 2001, was filed.

Finance and Internal Services Director Carter noted that the applicant would bear the cost of the consultants.

Council Member Henson asked for further information on the City's general statement. It was noted that the ordinance adopted earlier provides for this policy and would apply to future community facilities district formation.

Finance and Internal Services Director Carter described the standards set out by the policy, and the task of the special tax consultant. The task would be to comply with the policy, in this case provide that the ratio of value be three to one. The method of taxation must be fair and



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equitable. The financial advisor would see that the ratio, value to lien, is met. The policies are generic, but each individual request is reviewed independently.

Council Member Ward made a strong recommendation to staff to seek DBE and WBE firms for this project. Finance and Internal Services Director Carter affirmed that staff will endeavor to see that the applicant's comply with this request in seeking the consultants.

There were no requests to speak. Mayor Cooper opened and closed the public hearing at 8:40 p.m.

It was moved by Council Member Jimenez, seconded by Council Member Dowling, and unanimously carried to adopt the following:

Resolution 01-147, "Resolution Authorizing the City Manager to  
Execute Contracts with Various Consultants in Connection with the  
Community Facilities District for the Oliver East Property "

## **COUNCIL REPORTS**

Council Member Hilson reported that he recently attended a National League of Cities Information Technology Steering Committee meeting in Mesa, Arizona. He reported that the meeting entailed discussing policy items that will guide lobbyists in Washington in the interest of cities related to legislation protecting privacy rights of citizens. There needs to be a balance of privacy rights while adequately responding to providing information. He noted that the recommendations include funding to improve communications to citizens as well as taking care not to provide information for detrimental means. Lastly, he described a tour of a state of the art community college that is based entirely on wireless communication, which he felt was a rather appropriate use of technology on a small campus site.

## **ADJOURNMENT**

Mayor Cooper provided opportunity for Council Member Jimenez to adjourn at 8:53 p.m. in memory of Antoinette Dunn, wife of former Alameda County Board Supervisor and legislator, Francis Dunn. Her funeral services will be held on Wednesday, October 10<sup>th</sup> at 11 a.m. at St. Clements Church.

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**APPROVED:**

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Roberta Cooper, Mayor, City of Hayward

**ATTEST:**

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Angelina Reyes, City Clerk, City of Hayward

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